

# **EXHIBIT A**

**SUMMONS**

Attorney(s) Halkovich Law, LLC

Office Address 266 Hamistown Road, Suite 302

Town, State, Zip Code Glen Rock, NJ 07452

Telephone Number 201-292-1618

Attorney(s) for Plaintiff Jeffrey M. Halkovich, Esq.

Personal Image, PC Attorney in Fact

Fact for T.R.

Plaintiff(s)

vs.

**TECH BRIEFS MEDIA GROUP MEDICAL PLAN**

Defendant(s)

From The State of New Jersey To The Defendant(s) Named Above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at [http://www.njcourts.gov/forms/10153\\_deptyclerklawref.pdf](http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf).) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08623-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$175.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at [http://www.njcourts.gov/forms/10153\\_deptyclerklawref.pdf](http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf).

*S/ Michelle M. Smith*  
Clerk of the Superior Court

DATED: 3/5/20

Name of Defendant to Be Served: TECH BRIEFS MEDIA GROUP MEDICAL PLAN

Address of Defendant to Be Served: 261 Fifth Avenue, NY, NY 10016

*Suite 1901*

**DEGRADO HALKOVICH, LLC**

540 Hudson Street, 5<sup>th</sup> Floor  
Hackensack, New Jersey 07601  
(201) 678-9007

Attorney(s) For Plaintiff  
Jeffrey M. Halkovich, Esq.  
BAR ID #: 038522005

**PERSONAL IMAGE, PC AS ATTORNEY  
IN FACT FOR T.R.**

**SUPERIOR COURT OF NEW JERSEY  
BERGEN COUNTY  
LAW DIVISION**

Plaintiff,

v.

TECH BRIEFS MEDIA GROUP MEDICAL  
PLAN, SAE INTERNATIONAL COMPANY  
MEDICAL PLAN, JOHN DOE  
(1-100) a fictitious person who is  
presently unknown and XYZ CORP. (1-100),  
a fictitious partnership, corporation,  
sole proprietorship, limited liability company  
and/or self funded health  
benefits plan whose identity is presently unknown  
Defendant(s).

Docket:

**CIVIL ACTION**

**COMPLAINT**

The Plaintiff, PERSONAL IMAGE, PC AS ATTORNEY IN FACT FOR T.R., whose  
principal place of business is 680 Kinderkamack Road, Suite 205, Oradell, NJ 07649, by way of  
Complaint against the Defendant(s), TECH BRIEFS MEDIA GROUP MEDICAL PLAN,  
SAEINTERNATIONAL MEDICAL PLAN, JOHN DOE (1-100) and XYZ CORP (1-100)  
says:

**THE PARTIES**

1. At all times mentioned hereinafter Plaintiff, PERSONAL IMAGE, PC, is a New  
Jersey Professional Corporation engaged in the private practice of medicine and surgery with its

principal place of business located in Oradell, Bergen County, New Jersey.

2. At all relevant times, Plaintiff, PERSOANL IMAGE, PC, is the true and lawful Attorney in Fact for T.R. (See Exhibit A.)

3. Upon information and belief and at all times mentioned hereinafter Defendant(s), TECH BRIEFS MEDIA GROUP MEDICAL PLAN, SAE INTERNATIONAL MEDICAL PLAN, JOHN DOE (1-100) and/or XYZ CORP (1-100) is the Plan Sponsor of a self-funded employee welfare benefits plan within the meaning of the Employee Retirement Income Security Act of 1974 (ERISA) which provides its' beneficiaries, member(s) and/or insured(s) certain health and welfare benefits in the State of New Jersey.

4. At all relevant times mentioned hereinafter Defendant(s) TECH BRIEFS MEDIA GROUP MEDICAL PLAN, SAE INTERNATIONAL MEDICAL PLAN, JOHN DOE (1-100) and XYZ CORP (1-100) sponsored a health and welfare benefits Plan which provided certain health and welfare benefits to its insured, T.R.

#### ANATOMY OF THE CLAIM

5. This dispute arises from Defendant's failure to properly reimburse Plaintiff for the medically necessary, reasonable, and valuable surgical services provided to T.R. from March 31, 2014 and April 1, 2014.

6. On or about March 31, 2014 and April 1, 2014, T.R. was provided by Plaintiff with certain medically necessary, reasonable, and valuable emergency plastics surgery services.

7. T.R. is a beneficiary, member and/or insured of Defendant(s)' Medical Plan and is eligible and entitled to benefits under the terms of same.

8. On or about April 14, 2014, Plaintiff prepared and filed form 1500 claim form(s) which was sent to Defendant for reimbursement of the services provided to T.T. from March 31, 2014 through April 1, 2014.

9. On or about July 31, 2014, Plaintiff engaged in and exhausted the applicable administrative appeals process maintained by Defendant(s)' Plan.

10. To date, Plaintiff has not received proper reimbursement according to the terms and conditions of the member's benefits.

11. At all times mentioned hereinafter, Defendant(s), TECH BRIEFS MEDIA GROUP MEDICAL PLAN, SAE INTERNATIONAL MEDICAL PLAN, JOHN DOE (1-100) and XYZ CORP (1-100) have failed to comply with the terms of its Plan, including but not limited to out of network and emergency services portion of the Defendant's Summary Plan Description (SPD) and 29 CFR 2590.715-2719A(b)(3).

12. Accordingly, Plaintiff brings this action to enforce a Plan benefit pursuant to 29 U.S.C. §1132 (a)(1)(b) in the amount of \$58,418.37.

#### COUNT 1

##### ACTION TO ENFORCE A PLAN BENEFIT PURSUANT TO U.S.C. §1132 (a)(1)(b)

13. Plaintiff repeats and re-alleges the allegations contained in paragraphs 1-12 of this Complaint and incorporates same by reference hereto.

14. Section 502 (a)(1)(b) codified at 29 U.S.C. §1132 (a)(1)(b) provides a cause of action for a beneficiary or participant seeking to enforce a benefit under a Plan.

15. Plaintiff has standing to seek the relief requested based on a true and lawful power of attorney executed by T.R. naming Plaintiff its true and lawful attorney in fact.

16. Plaintiff properly made a claim for benefits when it submitted its claim form to Defendant and/or their Third Party Administrator for the services rendered to T.R. from March 31, 2014 through April 1, 2014.

17. Furthermore, Plaintiff exhausted the Defendant(s) Plan's administrative appeal process.

18. Plaintiff is entitled to proper reimbursement for the services rendered to T.R. under the terms of its Plan and 29 CFR 2590.715-2719A(b)(3).

19. Plaintiff alleges that Defendant's action to deny Plaintiff correct reimbursement for the services it provided to T.R. was arbitrary, wrongful, improper, and in violation of the terms of its Plan.

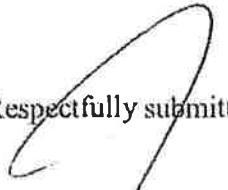
20. As a result, Plaintiff has been damaged and continues to suffer damages in the amount of \$58,418.37.

WHEREFORE, Plaintiff, PERSONAL IMAGE, PC AS ATTORNEY IN FACT FOR T.R., hereby demands judgment for damages against the Defendant(s), TECH BRIEFS MEDIA GROUP MEDICAL PLAN, SAE INTERNATIONAL MEDICAL PLAN, JOHN DOE (1-100) and XYZ CORP (1-100) as follows:

- A. For an Order directing Defendant to pay Plaintiff \$58,418.37;
- B. For an Order directing Defendant to pay Plaintiff all benefits T.R. is entitled to under the terms of its Plan;
- C. For compensatory damages and interest;
- D. For attorneys' fees and costs
- E. For such other relief as the Court may deem just and proper.

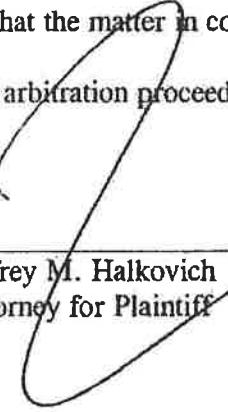
DATED: February 19, 2020

Respectfully submitted,

  
Jeffrey M. Halkovich  
DEGRADO HALKOVICH, LLC  
540 Hudson Street, 5<sup>th</sup> Floor  
Hackensack, NJ 07601  
(201) 678-9007  
jhalkovich@degradolaw.com  
*Attorneys for Plaintiff, Personal Image, PC Attorney  
in Fact for T.R.*

**CERTIFICATION**

In accordance with Rule 4:5-1, I hereby certify that the matter in controversy is not the subject of any other action in any Court or of a pending arbitration proceeding.

  
Jeffrey M. Halkovich  
Attorney for Plaintiff

DATED: February 19, 2020

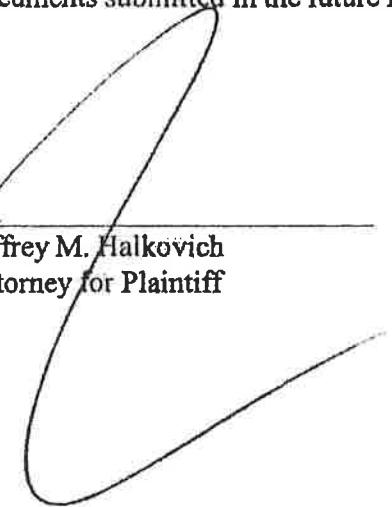
**DESIGNATION OF TRIAL COUNSEL**

Pursuant to R. 4:25-4 Plaintiff(s) hereby designate Jeffrey M. Halkovich, Esq. as trial counsel.

**CERTIFICATION PURSUANT TO R. 1:38-7**

I certify that confidential personal identifiers have been redacted from documents now submitted to the Court and will be redacted from all documents submitted in the future in accordance with R. 1:38-7(b).

Jeffrey M. Halkovich  
Attorney for Plaintiff



DATED: February 19, 2020

## **EXHIBIT A**

PERSONAL IMAGE, P.C.  
Jeffry L. Jacobs, D.O., FACOS

**ASSIGNMENT OF BENEFITS  
&  
LTD. POWER OF ATTORNEY**

I irrevocably assign to you, my medical provider, all of my rights and benefits under my insurance contract/ERISA Plan for payment for services rendered to me. I authorize you to file insurance claims on my behalf for services rendered to me and this specifically includes filing arbitration/litigation in your name on my behalf against the PIP carrier/health care carrier/ERISA plan. I irrevocably authorize you to retain an attorney of your choice on my behalf for collection of your bills. I direct that all reimbursable medical payments go directly to you, my medical provider. I authorize and consent to your acting on my behalf in this regard and in regard to my general health insurance coverage pursuant to the "benefit denial appeals process" as set forth in the NJ Administrative Code.

In the event the insurance carrier/ERISA plan responsible for making medical payments in this matter does not accept my assignment, or my assignment is challenged or deemed invalid, I execute this **limited/special power of attorney** and appoint and authorize your collection attorney as my agent and attorney to collect payment for your medical services directly against the insurance carrier/ERISA plan in this case, in my name, including filing an arbitration demand or lawsuit. I specifically authorize that attorney to file directly against that carrier in my name or in your name as a medical provider rendering services to me and designate your collection attorney as my attorney in fact. I further grant limited power of attorney to you as my medical provider to receive and collect directly from the insurance carrier/ERISA plan money due you for services rendered to me in this matter, and hereby instruct the insurance carrier/ERISA plan to pay you directly any monies due you for medical services you rendered to me.

I authorize you and/or your attorney to obtain medical information regarding my physical condition from any other health care provider, including hospitals, diagnostic centers, etc., and I specifically authorize such health care provider(s) to release all such information to you about me, including medical reports, X-ray reports, narrative reports, and any other report or information regarding my physical condition.

Consistent with 29 C.F.R. §2560.5031(b)(4), I hereby designate and appoint Personal Image, P.C. as my authorized representative to act for and on my behalf in pursuing any and all benefit claims I may have or may be entitled to, and to appeal any adverse benefit determinations relating to the services Personal Image, P.C. has or will render. As my authorized representative, you may and are authorized to direct how and to whom benefits are to be paid and delivered *and to request any ERISA plan documents.*

Dated: \_\_\_\_\_

  
\_\_\_\_\_  
Patient's Signature

## Civil Case Information Statement

**Case Details: BERGEN | Civil Part Docket# L-001196-20**

**Case Caption:** PERSONAL IMAGE, PC A TTORNEY I VS  
TECH BRIEFS ME

**Case Initiation Date:** 02/19/2020

**Attorney Name:** JEFFREY M HALKOVICH

**Firm Name:** DEGRADO HALKOVICH LLC

**Address:** 540 HUDSON ST 5TH FL

HACKENSACK NJ 07601

**Phone:** 2016789007

**Name of Party:** PLAINTIFF : Personal Image, PC Attorney in

**Name of Defendant's Primary Insurance Company**

(if known): None

**Case Type:** OTHER INSURANCE CLAIM (INCLUDING  
DECLARATORY JUDGMENT ACTIONS)

**Document Type:** Complaint

**Jury Demand:** NONE

**Is this a professional malpractice case?** NO

**Related cases pending:** NO

**If yes, list docket numbers:**  
Do you anticipate adding any parties (arising out of same  
transaction or occurrence)? NO

**Are sexual abuse claims alleged?** NO

**THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE**

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

**Do parties have a current, past, or recurrent relationship?** NO

**If yes, is that relationship:**

**Does the statute governing this case provide for payment of fees by the losing party?** NO

**Use this space to alert the court to any special case characteristics that may warrant individual  
management or accelerated disposition:**

**Do you or your client need any disability accommodations?** NO

**If yes, please identify the requested accommodation:**

**Will an interpreter be needed?** NO

**If yes, for what language:**

**Please check off each applicable category:** Putative Class Action? NO Title 59? NO Consumer Fraud? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b)

02/19/2020

Dated

/s/ JEFFREY M HALKOVICH

Signed

<b>ATLANTIC COUNTY:</b> Deputy Clerk, Superior Court Civil Division, Direct Filing 1201 Bacharach Blvd., 1st Fl. Atlantic City, NJ 08401 LAWYER REFERRAL (609) 345-3444 LEGAL SERVICES (609) 348-4200	<b>ESSEX COUNTY:</b> Deputy Clerk, Superior Court Civil Customer Service Hall of Records, Room 201 465 Dr. Martin Luther King Jr. Blvd. Newark, NJ 07102 LAWYER REFERRAL (973) 622-6204 LEGAL SERVICES (973) 624-4500	<b>MONMOUTH COUNTY:</b> Deputy Clerk, Superior Court Court House P. O. Box 1269 Freehold, NJ 07728-1269 LAWYER REFERRAL (732) 431-5544 LEGAL SERVICES (732) 866-0020	<b>SUSSEX COUNTY:</b> Deputy Clerk, Superior Court Sussex County Judicial Center 43-47 High Street Newton, NJ 07860 LAWYER REFERRAL (973) 267-5882 LEGAL SERVICES (973) 383-7400
<b>BERGEN COUNTY:</b> Deputy Clerk, Superior Court Civil Division, Room 115 Justice Center, 10 Main St. Hackensack, NJ 07601 LAWYER REFERRAL (201)488-0044 LEGAL SERVICES (201) 487-2166	<b>GLOUCESTER COUNTY:</b> Deputy Clerk, Superior Court Civil Case Management Office, Attn: Intake, First Fl., Court House 1 North Broad Street Woodbury, NJ 08096 LAWYER REFERRAL (856) 848-4589 LEGAL SERVICES (856) 848-5360	<b>MORRIS COUNTY:</b> Morris County Courthouse Civil Division Washington & Court Streets P. O. Box 910 Morristown, NJ 07963-0910 LAWYER REFERRAL (973) 267-5882 LEGAL SERVICES (973) 285-6911	<b>UNION COUNTY:</b> Deputy Clerk, Superior Court 1st Floor, Court House 2 Broad Street Elizabeth, NJ 07207- 6073 LAWYER REFERRAL (908) 353-4715 LEGAL SERVICES (908) 354-4340
<b>BURLINGTON COUNTY:</b> Deputy Clerk, Superior Court Central Processing Office Attn: Judicial Intake First Fl., Courts Facility 49 Rancocas Road Mt. Holly, NJ 08060 LAWYER REFERRAL (609) 261-4862 LEGAL SERVICES (609) 261-1088	<b>HUDSON COUNTY:</b> Deputy Clerk, Superior Court Civil Records Dept. Brennan Court House, 1st Floor 583 Newark Avenue Jersey City, NJ 07306 LAWYER REFERRAL (201) 798-2727 LEGAL SERVICES (201) 792-6363	<b>OCEAN COUNTY:</b> Deputy Clerk, Superior Court Court House, Room 121 118 Washington Street P.O. Box 2191 Toms River, NJ 08754-2191 LAWYER REFERRAL (732) 240-3666 LEGAL SERVICES (732) 341-2727	<b>WARREN COUNTY:</b> Deputy Clerk, Superior Court Civil Division, Court House 413 Second Street Belvidere, NJ 07823- 1500 LAWYER REFERRAL (908) 859-4300 LEGAL SERVICES (908) 475-2010
<b>CAMDEN COUNTY:</b> Deputy Clerk, Superior Court Civil Processing Office Hall of Justice 1 <sup>st</sup> Fl, Suite 150 101 South 5th Street Camden, NJ 08103 LAWYER REFERRAL (856) 482-0618 LEGAL SERVICES (856) 964-2010	<b>HUNTERDON COUNTY:</b> Deputy Clerk, Superior Court Civil Division 65 Park Avenue Flemington, NJ 08822 LAWYER REFERRAL (908) 236-6109 LEGAL SERVICES (908) 782-7979	<b>PASSAIC COUNTY:</b> Deputy Clerk, Superior Court Civil Division - Court House 77 Hamilton Street Paterson, NJ 07505 LAWYER REFERRAL (973) 278-9223 LEGAL SERVICES (973) 523-2900	
<b>CAPE MAY COUNTY:</b> Deputy Clerk, Superior Court 9 N. Main Street Cape May Court House, NJ 08210 LAWYER REFERRAL (609) 463-0313 LEGAL SERVICES (609) 465-3001	<b>MERCER COUNTY:</b> Deputy Clerk, Superior Court Local Filing Office, Courthouse 175 S. Broad Street P. O. Box 8068 Trenton, NJ 08650 LAWYER REFERRAL (609) 585-6200 LEGAL SERVICES (609) 695-6249	<b>SALEM COUNTY:</b> Deputy Clerk, Superior Court Attn: Civil Case Management Office 92 Market Street Salem, NJ 08079 LAWYER REFERRAL (856) 935-5629 LEGAL SERVICES (856) 691-0494	
<b>CUMBERLAND COUNTY:</b> Deputy Clerk, Superior Court Civil Case Management Office 60 West Broad Street P. O. Box 10 Bridgeton, NJ 08302 LAWYER REFERRAL (856) 696-5550 LEGAL SERVICES (856) 691-0494	<b>MIDDLESEX COUNTY:</b> Deputy Clerk, Superior Court Middlesex Vicinage Second Floor, Tower 56 Paterson Street P. O. Box 2633 New Brunswick, NJ 08903-2633 LAWYER REFERRAL (732) 828-0053 LEGAL SERVICES (732) 249-7600	<b>SOMERSET COUNTY:</b> Deputy Clerk, Superior Court Civil Division Office 40 North Bridge Street P. O. Box 3000 Somerville, NJ 08876 LAWYER REFERRAL (908) 685-2323 LEGAL SERVICES (908) 231-0840	

PERSONAL IMAGE, PC AS ATTORNEY  
IN FACT FOR T.R.

vs.

TECH BRIEFS MEDIA GROUP MEDICAL  
PLAN, ET AL

Plaintiff

Defendant

Superior Court of New Jersey  
Law Division  
Bergen County  
Docket Number: BER-L-001196-20

**Person to be served (Name & Address):**  
TECH BRIEFS MEDIA GROUP MEDICAL PLAN  
261 FIFTH AVENUE  
SUITE 1901  
NEW YORK, NY 10016

**Attorney:**  
Jeffrey M. Halkovich, Esq.

## AFFIDAVIT OF SERVICE

(For Use by Private Service)



STS2020009147

Cost of Service pursuant to R. 4:4-3(c)

\$ \_\_\_\_\_

**Papers Served:** Summons, Complaint, Certification, Designation Of Trial Counsel, Exhibit A, CIS and Lawyers Referral List

### Service Data:

Served Successfully  Not Served \_\_\_\_\_ Date: 3/10/2020 Time: 10:32 am Attempts: \_\_\_\_\_

\_\_\_\_\_ Delivered a copy to him / her personally

Name of Person Served and relationship / title:

\_\_\_\_\_ Left a copy with a competent household member over 14 years of age residing therein

LUKE SCHNIRRINEG

Left a copy with a person authorized to accept service, e.g. managing agent, registered agent, etc.

AGENT/MANAGING AGENT

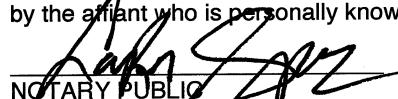
### Description of Person Accepting Service:

Sex: M Age: 40 Height: 5'9" Weight: 179 Skin Color: WHITE Hair Color: BALDING

### Comments or Remarks:

### Server Data:

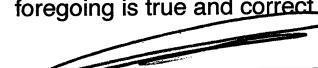
Subscribed and Sworn to before me on 3/12/2020  
by the affiant who is personally known to me.

  
NOTARY PUBLIC

I, Augustus Wilson, was at the time of service a competent adult not having a direct interest in the litigation. I declare under penalty of perjury that the foregoing is true and correct

3/12/20

Date

  
Signature of Process Server

LsRon Spencer  
Notary Public  
New Jersey  
My Commission Expires 04-18-2024  
No. 50103352

STATUS, L.L.C.  
PO Box 370  
Bayville, NJ 08721  
(908) 688-1414  
Our Job Serial Number: STS-2020009147  
Ref: NA

BERGEN COUNTY COURTHOUSE  
SUPERIOR COURT LAW DIV  
BERGEN COUNTY JUSTICE CTR RM 415  
HACKENSACK NJ 07601-7680

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (201) 221-0700  
COURT HOURS 8:30 AM - 4:30 PM

DATE: FEBRUARY 19, 2020  
RE: PERSONAL IMAGE, PC A TTORNEY I VS TECH BRIEFS ME  
DOCKET: BER L -001196 20

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 1.

DISCOVERY IS 150 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS  
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON LISA PEREZ-FRISCIA

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 003  
AT: (201) 527-2600.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A  
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.  
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE  
WITH R.4:5A-2.

ATTENTION:

ATT: JEFFREY M. HALKOVICH  
DEGRADO HALKOVICH LLC  
540 HUDSON ST 5TH FL  
HACKENSACK NJ 07601

ECOURTS